

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MIKE BUXTON,)	
Petitioner,)	
)	
vs.)	Civil Action No. 09-1626
)	
THE COMMONWEALTH OF)	
PENNSYLVANIA,)	
Respondent.)	

ORDER

AND NOW, this 6th day of January, 2010, after the petitioner, Mike Buxton, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 4), which is adopted as the opinion of this Court, and further note that the petitioner has not exhausted the remedies available to him on his claim of improper denial of parole,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 2) is dismissed and a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. McVerry
Terrence F. McVerry
United States District Judge

cc: Mike Buxton
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